

FREDERICK POLICE DEPARTMENT GENERAL ORDER

Section 5: Special Populations
Topic: DEAF OR HEARING IMPAIRED PERSONS
Approved: 11/07/17
Review: Annually in March by Patrol Division Commander
Supersedes: G.O. 550 approved 03/01/12

Order Number: 550
Issued by: Chief of Police

.01 PURPOSE:

To specify procedures for communicating with deaf or hearing impaired individuals.

.02 CROSS-REF:

G.O. [500](#), "The Americans with Disabilities Act (ADA)"

.03 DISCUSSION:

Effective communication with a person who is deaf or hard of hearing involved in an incident -- whether as a victim, witness, suspect, or arrestee -- is essential in ascertaining what actually occurred, the urgency of the matter, and type of situation. People who identify themselves as deaf or hard of hearing are entitled to a level of service equivalent to that provided hearing persons. The input of people who are deaf or hard of hearing who are involved in incidents is just as important to the law enforcement process as the input of others. Officers must not draw conclusions about incidents unless they fully understand -- and are understood by -- all those involved, including persons who are deaf or hard of hearing. In August 2004, the City of Frederick entered into a settlement agreement with the United States Department of Justice requiring that the Police Department implement this policy regarding effective communication with people who are deaf or hard of hearing.

.04 POLICY:

It is the policy of the Department to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. The Department has, and will comply with, specific legal obligations under the Americans with Disabilities Act and the Rehabilitation Act. The Department will make every effort to ensure that its officers and employees communicate effectively with people who have identified themselves as deaf or hard of hearing.

.05 DEFINITIONS:

QUALIFIED INTERPRETER - A qualified sign language or oral interpreter is one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Accordingly, an interpreter must be able to sign to the deaf individual (or interpret orally to the person who does not use sign language) what is being said by the hearing person and to voice to the hearing person what is being signed or said by the deaf individual. The interpreter must be able to interpret in the language the deaf person uses (e.g., American Sign Language or Signed English) and must be familiar with law enforcement terms and phrases. Because a qualified interpreter must be able to interpret impartially, a family member, child, or friend of the individual who is deaf may not be qualified to render the necessary interpretation because of factors such as professional; emotional, or personal involvement, or considerations of confidentiality. Additionally, although a "qualified" interpreter may be certified, a certified interpreter is not necessarily "qualified," if he or she is not a good communications match for the deaf person (e.g. where the deaf person uses Signed English and the interpreter uses American Sign Language) or the situation (e.g., where the interpreter is unfamiliar with law enforcement vocabulary). Certification is not required in order for an interpreter to be "qualified."

.10 COMMUNICATING WITH DEAF/HEARING IMPAIRED PERSONS:

1. Various types of communication aids - known as "auxiliary aids and services" - are used to communicate with people who are deaf or hard of hearing. These include use of gestures or visual aids to supplement oral communication; an exchange of written notes; use of a computer or typewriter; use of assistive listening devices (to amplify sound for persons who are hard of hearing); or use of qualified oral or sign language interpreters.
2. The type of aid that will be required for effective communication will depend on the individual's usual method of communication, and the nature, importance, and duration of the communication at issue.
3. In many circumstances, oral communication supplemented by gestures and visual aids, an exchange of written notes, use of a computer or typewriter, or use of an assistive listening device may be effective. In other circumstances, qualified sign language or oral interpreters, are needed to communicate effectively with persons who are deaf or hard of hearing. The more lengthy, complex, and important the communication, the more likely it is that a qualified interpreter will be required for effective communication with a person whose primary means of communication is sign language or speech reading. For example:
 - A. If there has been an incident and the officer is conducting witness interviews, a qualified sign language interpreter may be required to communicate effectively with someone whose primary means of communication is sign language.
 - B. If a person is asking an officer for directions to a location, gestures and an exchange of written notes will likely be sufficient to communicate effectively and a sign language interpreter is often not required.
4. To serve each individual effectively, primary consideration should be given to the communication aid or service that works best for that person. Officers must ask persons who are deaf or hard of hearing what type of auxiliary aid or service they need. Officers must defer to those expressed choices, unless there is another equally effective way of communicating, given the circumstances, length, complexity, and importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.
5. The Department is not required to provide a particular auxiliary aid or service if doing so would fundamentally alter the nature of the law enforcement activity in question, or if it would cause an undue administrative or financial burden. Only the Department head or his or her designee may make this determination. For example, since the Department has limited financial resources and if providing a particular auxiliary aid would cost a large sum of money, the Chief may determine that it would be an undue financial burden. In this situation, the most effective means of communication must be used.
6. People who are deaf or hard of hearing must never be charged for the cost of an auxiliary aid or service needed for effective communication.
7. Officers must review and have a working knowledge of *Guide for Law Enforcement Officers When In Contact With People Who Are Deaf or Hard of Hearing*. This document is available from the U.S. Department of Justice, will be distributed to all officers, and reviews how officers should communicate effectively in the types of situations officers will encounter. These situations include:
 - A. Issuing a non-criminal or motor vehicle citation;
 - B. Communicating with a person who initiates contact with an officer;
 - C. Interviewing a victim or critical witness to an incident;

- D. Questioning a person who is a suspect in a crime;
 - E. Making an arrest or taking a person into custody;
 - F. Issuing *Miranda Warnings* to a person under arrest or in custody; and
 - G. Interrogating a person under arrest or in custody.
8. Officers must utilize the following auxiliary aids, when available, to communicate effectively:
- A. Use of gestures;
 - B. Use of visual aids;
 - C. Exchange of written notes;
 - D. Use of computers or typewriters;
 - E. Use of assistive listening devices;
 - F. Use of teletypewriters (TTY's); and
 - G. Use of qualified oral or sign language interpreters.
9. The Department will not use police officers or employees of any law enforcement agency as interpreters. Officers who possess sign language skills may utilize those skills to communicate with persons who are deaf or hard of hearing and may relay the results of those communications to other persons as required by ordinary law enforcement operations.

.15 STEPS TO MAKE AN INTERNET RELAY CALL

1. Go to the Home Page (www.relaycall.com <<http://www.relaycall.com>>).
2. Type the area code and telephone number and then click the "Connect" button.
3. You will connect to a Communications Assistant who will place your call and inform you of the call status: "ringing" or "busy."
4. When the person you are calling answers, the Communications Assistant will type their greeting, then "ga" for "go ahead." This means it is your turn to respond. When you are done typing your message, type "ga."
5. Continue this process throughout the duration of your call. When you are ready to end your call, type "sk" for "stop keying" then click the "Hang Up" button.

.20 INTERPRETIVE SERVICES:

1. The Department will maintain a list of sign language and oral interpreting services that are available (on-call 24 hours per day) and willing to provide qualified interpreters as needed. Each of these services will be chosen after having been screened for the quality and skill of its interpreters, its reliability, and other factors such as cost. The Patrol Commander will update this list as necessary.

2. The following agencies are available for use by the department on a 24 hour basis.
WeInterpret
6990 Columbia Gateway Dr, Suite 100
Columbia, MD 21046
877-788-8454

Deafnet Association, Inc.
301-791-9025

Purple VRI (By way of Departmental iPad)
595 Menlo Drive
Rocklin, CA 95765
877-885-3172

.30 TELEPHONE SERVICES FOR DEAF/HEARING IMPAIRED:

1. In situations when a non-disabled person would have access to a telephone, officers must provide persons who are deaf or hard of hearing the opportunity to place calls using a text telephone (TTY, also known as a telecommunications device for deaf people, or TDD). Officers must also accept telephone calls placed by persons who are deaf or hard of hearing through the Telecommunications Relay Service.
2. The Support Services Division will ensure that all officers are trained in the use of the Maryland Relay Service.
3. The Technical Services Division will ensure that equipment is available at each of the Department's facilities to make and receive TTY calls.

.40 PURPLE VRI (VIDEO REMOTE INTERPRETING):

1. As with other interpretation services, officers will seek supervisory approval before using the Purple VRI. This service is billed per minute used. Once officers have completed the call, they will ensure that the session is closed appropriately.
2. Instructions for use of Purple VRI:
 - A. Unlock iPad by pressing the home key.
 - B. The iPad passcode is 123456
 - C. Click on the icon on the iPad home screen - "Purple VRI"
 - D. **The application should automatically log in.**
If prompted for a username or password:
User: FrederickPDVRI Pass: Police10
 - E. When ready click "Start Interpreter Session"
 - F. Wait for the Interpreter to appear on screen and begin the session;
 - G. Once completed, close out of the session by clicking anywhere on the bottom of the screen. This will bring up a menu that includes the end call icon. Press this icon to close the session.
3. Any Purple VRI Related technical issues will be called into Purple Premier Support hotline at 888-430-9656. **If there is an issue with the iPad itself or the AT&T connection please contact TSD for assistance.**